

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT WARD GARRISON,

Plaintiff,

V.

WASHINGTON STATE DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

Case No. C05-5837 FDB/KLS

ORDER GRANTING MOTION TO
VACATE ORDER DENYING
DEFENDANTS' MOTION TO
DISMISS

This civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Before the Court is Defendants' Motion to Vacate Order Denying Motion to Dismiss. (Dkt. # 79). The Court being fully advised and having examined the records and files herein, finds that the motion should be granted.

ACCORDINGLY, IT IS ORDERED:

Defendants' Motion to Vacate (Dkt. # 79) is **GRANTED**. The Court's Order Denying Motion to Dismiss (Dkt. # 73) is **VACATED**. The Court's Order will be re-noted as a Report and

ORDER - 1

1 Recommendation. The Clerk is directed to send copies of this Order to Plaintiff and to counsel for
2 Defendants.

3 DATED this 25th day of May, 2007.

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Karen L. Strombom
United States Magistrate Judge

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ORDER - 2